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RODNEY ELLIS

STATE SENATOR
District 13

Opinion Committee

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August 18, 1995

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
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FILE

I.D. #

MRC

rg-00821-dm

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Dear General Morales:

Please accept this as a letter of request for an Attorney General's Opinion. Several questions have arisen regarding the provisions of Senate Bill 60, the concealed weapons law which passed this session and will take effect in September. Of particular concern are those provisions relating to the rights of concealed weapons permit holders as they relate to a business owner/operator's ability to regulate the carrying of weapons on premises. I would very much appreciate answers to the following questions regarding this new law:

- (1) Does Senate Bill 60 give the holder of a concealed weapons permit the affirmative right to carry a concealed weapon anywhere? Exactly what are the restrictions?
- (2) The actual language in Section 32 of the bill refers to "employers", thus suggesting that employers can only restrict their employees' ability to carry concealed weapons on premises. Does this bill prevent business owner/operator from regulating the carrying of concealed weapons on the business premises? If the bill does not prohibit such, does it provide any specific requirements that the business owner/operator must comply with in order to restrict a permittee from carrying concealed weapons on premises?
- (3) If a business owner/operator can restrict the carrying of concealed weapons on the premises, what authority do they have to insure compliance? What is the potential liability for removing someone for noncompliance or to a third party who is injured by a permittee who has failed to comply?
- (4) In the past, courts have held that public officials acting on the basis of an Attorney General's Opinion, regardless of whether the opinion was found to be correct or not, were immune from liability. Does this principle extend to private persons?

I would appreciate an expedited response to this request given the effective date of the new law. If you have any questions regarding this request, please call Anthony Haley at 512/463-0113. As always, your assistance is appreciated.

Sincerely,

Rodney Ellis

RE:afh

cc: Lieutenant Governor Bob Bullock

